

## R E M A R K S

It is acknowledged that claims 1, 3, 4 and 6 stand allowed.

The rejection of claims 2 and 5 under 35 USC 102(b) as being anticipated by Yoshida et al (USP 5,764,610) is respectfully traversed.

Applicant has amended claims 2 and 5 to identify the reading directory information as including directory names and to identify the function of the second determining unit in connection with the information read from the directory information reading unit so that it is clear that the second determining unit determines whether or not a designated directory name has been recorded on the loaded DVD using the directory information read from the loaded DVD. Claims 2 and 5 have been further amended so that it is clear that the playback speed control unit adjusts the playback speed of the loaded DVD when a determination is made that the designated directory name is not recorded.

The cited patent reference USP 5,764,610 discloses a disc type identifying system for identifying a particular type optical disc from others having different recording formats, though having the same size and shape. The disc type identifying system has a driver for rotating the disc to be identified by a predetermined number of rotations; a frequency detector for the detecting frequency of the playback signal from the disc to be identified; and identifier means for identifying the disc type based on the frequency of the playback signal detected when the disc to be identified is rotated by the predetermined number of rotations. The predetermined number of rotations is set at the lowest linear speed among linear speeds defined in the different recording formats. Because the disc type may be identified in the

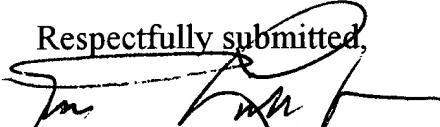
process of a startup operation of a unit constructed as described above, the startup time may be shortened, thus enhancing the efficiency of the system. In contrast, the prior art discloses only the identification of a media classification, namely its physical format, such as DVD, DVD-R, CD, CD-R or the like.

On the other hand, in accordance with the present invention, as set forth in amended claims 2 and 5, directory information such as a designated directory name of a disk is read out by a disk drive unit and the playback speed of the loaded DVD is adjusted based on the determination of the second determining unit as to whether or not a designated directory name has been recorded on the loaded DVD. This provides identification of the classification of the logic format for playback speed control as well as to distinguishes a disk for DVD VIDEO from a disk for DVD-ROM etc. In the case of the DVD-VIDEO, the rotational speed is limited to a speed sufficient to play back the video so that the power consumed and vibration generated by the drive unit can be minimized.

The operation of the second determining unit in the disk drive unit of the present invention is entirely different from the determining means in Yoshida et al. In Yoshida et al the disk type is identified based on the frequency of the playback signal detected when the disk to be identified is rotated at a predetermined number of rotations. In the present invention, the designated directory name is identified which is a completely different operation as set forth in steps 28 of the flowchart 6 and steps 48 in the flowchart 7.

For all of the above reasons, claims 2 and 5 are clearly different from the teaching in Yoshida et al and the rejection of claims 2 and 5 under 35 USC 102 should be withdrawn.

Reconsideration and allowance of claims 1-6 is respectfully solicited.

Respectfully submitted,  
  
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**MAILING CERTIFICATE**

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed: Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313 on June 29, 2005.

Dated: June 29, 2005

Signed: 